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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

**CENTER FOR BIOLOGICAL
 DIVERSITY**, a non-profit organization; and
**PESTICIDE ACTION NETWORK
 NORTH AMERICA**, a non-profit
 organization;

Plaintiffs,

v.

**ENVIRONMENTAL PROTECTION
 AGENCY**; and **LISA JACKSON**,
 Administrator, U.S. EPA;

Defendants,

**CROP LIFE AMERICA, AMERICAN
 FARM BUREAU FEDERATION,
 AMERICAN CHEMISTRY COUNCIL,**
 and **RECKITT BENCKISER**;

Defendant-Intervenors.

Case No. CV-11-0293-JCS

**STATUS REPORT AND STIPULATION
 TO EXTEND STAY**

**Status Conference Date: October 14, 2011
 Time: 1:30 PM
 Courtroom A – 15th Floor**

Magistrate Judge Joseph C. Spero

1 This status report is filed pursuant to the Court's July 29, 2011 order. In light of the
2 developments described below, Plaintiffs and Defendants respectfully request that the Court extend the
3 stay of litigation by approximately 30 days from October 14, 2011 to November 18, 2011 and continue
4 the status conference now set for October 14, 2011 to November 18, 2011 at 1:30 p.m. (or to such date
5 and time that is convenient for the Court). Intervenorors have informed Plaintiffs and Defendants that
6 they do not object to this request.

7 On January 20, 2011, the Center for Biological Diversity and the Pesticide Action Network
8 North America (collectively "Plaintiffs") initiated the instant litigation, alleging that the Environmental
9 Protection Agency and its administrator, Lisa Jackson, (collectively "Defendants") violated Section
10 7(a)(2) of the Endangered Species Act ("ESA") by failing to consult on the effects of EPA-registered
11 pesticides on endangered and threatened species and their designated critical habitat throughout the
12 United States of America. *See* Docket No. 1. On March 14, 2011, Defendants and Plaintiffs jointly
13 filed a motion to stay the litigation to conserve judicial resources while the parties explored the
14 possibility of settlement. *See* Docket No. 13. The Court granted the motion on March 15, 2011. *See*
15 Docket No. 14.

16 On May 13, 2011, the parties met in Washington, D.C. and engaged in exploratory discussions
17 concerning the possibility of settlement, as well as technical issues concerning EPA's current
18 endangered species risk assessment methods and associated regulatory programs. Proposed Intervenorors
19 were also present at the meeting.

20 On June 3, 2011, the Court held an intervention hearing and granted in part and denied in part
21 the motions from 1) Crop Life America, 2) American Farm Bureau Federation, 3) American Chemistry
22 Council and 4) Reckitt Benckiser (collectively "Intervenorors"). The Court also set a status conference
23 for August 12, 2011, and ordered the parties to submit a status report that "include[s] a description of
24 the status of negotiations and a plan for the remainder of the case."

25 On June 21, 2011, the parties, including Intervenorors, met in Washington, D.C. and held further
26 discussions regarding the possibility of settlement. An additional meeting was held by phone on July
27
28

1 18, 2011. To allow settlement discussions to continue and pursuant to stipulation, on July 29, 2011, the
2 Court reset the status conference for October 14, 2011 with a status report due September 30, 2011.

3 Since then, the parties held meetings by phone on August 23, 2011 and September 21, 2011.
4 The parties also exchanged information and ideas for settlement by email. Plaintiffs and Defendants
5 are pursuing further settlement discussions and are in the process of arranging the next meeting. Based
6 on the discussions to date, Intervenors do not object to further settlement talks, provided all parties
7 continue to be involved.

8 To allow these discussions to continue, and in the interest of judicial economy, Plaintiffs and
9 Defendants respectfully request that this Court continue the status conference currently set for October
10 14, 2011 to November 18, 2011 at 1:30 p.m. (or to such date and time that is convenient for the Court),
11 and extend the stay of this litigation for approximately an additional 30 days (from October 14, 2011 to
12 November 18, 2011). If the Court extends the stay and resets a conference date, the parties will submit
13 a status report two weeks prior to that conference (on November 4, 2011).

14
15 Respectfully submitted this 30th day of September, 2011,

16 /s/ Collette L. Adkins Giese

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PURSUANT TO STIPULATION, IT IS SO ORDERED. The status conference is reset for
Nov. 18, 2011, at 1:30 PM. The status report shall be due by November 10, 2011.

Dated: 09/30/11

